

Art Unit 2653.
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

REMARKS

This response, to the non-final Office Action mailed March 27, 2006, traverses all claim rejections but does not make any claim amendments.

Rejection of Claims 1, 6, and 11 Under 35 USC §102(e):

Claims 1, 6, and 11 stand rejected under 35 USC §102(e) as being anticipated by Takagi et al. US patent 6,721,133 (hereinafter "Takagi"). Applicant hereby respectfully traverses these rejections.

Each of claims 1, 6, and 11 requires that the second surface of the hinge faces "away from the first surface" of the hinge. The first surface of the hinge is the one that is coupled to the actuator arm. The second surface of a hinge is the one that a load bearing surface faces and contacts.

In contrast, the first surface of the hinge disclosed by Takagi faces in the same or nearly the same direction as does the second surface of the hinge. The second surface of the hinge disclosed by Takagi does not face away from the first surface of the hinge.

Since Takagi does not disclose all of the elements of the rejected claims, the Takagi reference can not properly support a rejection of the claims under 35 USC §102(e). For at least this reason, applicant hereby respectfully requests that the rejections be withdrawn and that claims 1, 6, and 11 be allowed.

Rejection of Claims 2, 3, 7, and 12 Under 35 USC §103(a):

Claims 2, 3, 7, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Takagi "as applied to claims 1, 6, and 11," and further in view of US patent 6,362,936 to Inoue et al. (hereinafter "Inoue"). Applicant hereby respectfully traverses these rejections.

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

Each of dependent claims 2, 3, 7, and 12 depends from an independent claim that requires that the second surface of the hinge faces "away from the first surface" of the hinge.

In contrast, the load beam 12 of Inoue does not have any surface that faces and contacts a surface of hinge 45. Although a surface of gimbal 14 in Inoue faces and contacts a surface of loadbeam 12, Inoue does not disclose an overlapping assembly of hinge and loadbeam sub-components. Therefore Inoue lacks a second surface of the hinge, and therefore also fails to teach that a second surface of the hinge faces "away from the first surface" of the hinge.

Since the aforementioned claim limitation is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a). For at least this reason, applicant hereby respectfully requests that the rejections be withdrawn and that claims 2, 3, 7, and 12 be allowed.

Rejection of Claims 4 and 13 Under 35 USC §103(a):

Claims 4 and 13 stand rejected under 35 USC §103(a) as being unpatentable over Takagi "as applied to claims 1, 6, and 11," and further in view of US patent 6,181,521 to Yonemura et al. (hereinafter "Yonemura"). Applicant hereby respectfully traverses these rejections.

Each of dependent claims 4 and 13 depends from an independent claim that requires that the second surface of the hinge faces "away from the first surface" of the hinge.

In contrast, the load beam 1 of Yonemura does not have any surface that faces and contacts a hinge surface. Yonemura does not disclose an overlapping assembly of hinge and loadbeam sub-components. Therefore Yonemura lacks a second surface of the hinge, and therefore also fails to teach that a second surface of the hinge faces "away from the first surface" of the hinge.

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

Since the aforementioned claim limitation is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a).

For at least the foregoing reason, applicant hereby respectfully requests that the rejections be withdrawn and that claims 4 and 13 be allowed.

Rejection of Claim 8 Under 35 USC §103(a):

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Takagi "as applied to claim 6," in view of Inoue and further in view of Yonemura. Applicant hereby respectfully traverses this rejection.

Claim 8 depends from an independent claim that requires that the second surface of the hinge faces "away from the first surface" of the hinge. However, neither Yonemura nor Inoue discloses an overlapping assembly of hinge and loadbeam sub-components. Therefore both Inoue and Yonemura lack a second surface of the hinge, and therefore also fail to teach that a second surface of the hinge faces "away from the first surface" of the hinge.

Since the aforementioned claim limitation is absent in all three references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejection under 35 USC §103(a).

For at least these reasons, applicant hereby respectfully requests that the rejection be withdrawn and that claim 8 be allowed.

Rejection of Claim 14 Under 35 USC §103(a):

Claim 14 stands rejected under 35 USC §103(a) as being unpatentable over Takagi "as applied to claim 6," in view of US Patent 5,898,543 to Jagt et al. (hereinafter "Jagt"). Applicant hereby respectfully traverses this rejection.

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

Claim 14 requires that "the third radius is greater than the second radius." In contrast, Jagt does not teach that a third radius is greater than a second radius. On the contrary, the radius of curvature of the second preformed bend 50 in Jagt is depicted to be less than the radius of curvature of the first preformed bend 48, in Figure 5 of Jagt.

Since the radius of curvature inequality is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a).

The combination of the Takagi and Jagt references also fails to properly support the rejection of claim 14 because claim 14 depends from an independent claim that requires that the second surface of the hinge faces "away from the first surface" of the hinge. In contrast, Jagt does not disclose an overlapping assembly of hinge and loadbeam sub-components. Therefore Jagt lacks a second surface of the hinge, and therefore also fails to teach that a second surface of the hinge faces "away from the first surface" of the hinge. Since the aforementioned claim limitation is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a).

For at least the foregoing reasons, applicant hereby respectfully requests that the rejection be withdrawn and that claim 14 be allowed.

Objection to Claims 5, 9, and 10:

In the 27MAR06 Office Action, claims 5, 9, and 10 were each objected to as being dependent upon a rejected base claim, but claims 5, 9, and 10 were deemed otherwise allowable (if rewritten in independent form). In this response, the rejections of such base claims have been traversed, and if such traversals are successful, then the objections to claims 5, 9, and 10 will

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

have been overcome without amendment because claims 5, 9, and 10 will no longer depend from rejected base claims.

For at least the aforementioned reasons, all pending claims are now allowable. If any unresolved issues remain, please feel free to contact the undersigned attorney at (949) 672-6119. The Commissioner is authorized to charge any fees which may be required to Deposit Account 23-1209, referencing Docket No. K35A1056.

Respectfully submitted,

Date: April 18, 2006
By: 
Joshua C. Harrison, Ph.D., Esq.
(Registration No. 45,686)

Western Digital Corporation
20511 Lake Forest Drive
Lake Forest, CA 92630
Tel.: (949) 672-6119
Fax: (949) 672-6604

Page 19 of 19